

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

TONY GEANS

PLAINTIFF

V.

CASE NO.: 3:19-CV-368 HTW-JCG

NANCY A. BERRYHILL  
Acting Commissioner of Social Security

DEFENDANT

**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**OF MAGISTRATE JUDGE**

This matter comes before the court pursuant to the Report and Recommendation of United States Magistrate Judge John C. Garguilo [doc. no. 17]. Neither the Plaintiff nor the Defendant has filed any written objections to the Report and Recommendation. Based upon the evidence contained therein, and having considered the submissions of the parties, the record, and relevant legal authority, this District Court hereby adopts the Report and Recommendation of the United States Magistrate Judge as the order of this court. Plaintiff's Motion for Summary Judgment [**doc. no. 9**] is hereby granted. Defendant's Motion to Affirm the Commissioner's Decision [**doc. no. 13**] is denied, and this District Court remands this case for the Commissioner to consider Geans' illiteracy and education level and their impact on his ability to perform other work, as recommended by the Magistrate Judge.

**SO ORDERED AND ADJUDGED**, this the 7th day of July, 2020.

s/ HENRY T. WINGATE  
UNITED STATES DISTRICT JUDGE